

# OFCOM BROADCAST AND ON DEMAND BULLETIN

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## Contents

Introduction	3
<b>Broadcast Standards cases</b>	
<b>In Breach</b>	
Weinstein: Hollywood's Reckoning <i>Sky News, 27 April 2019, 15:00</i>	5
Afternoon Chat Election Special <i>Trafford Sound, 23 and 24 April 2019, 14:00</i>	7
Homeopathic Clinic <i>KTV, 15 March 2019, 16:00</i>	16
<b>Resolved</b>	
Premiership Rugby: Exeter Chiefs v Harlequins <i>BT Sport 2, 27 April 2019, 15:00</i>	20
<b>Tables of cases</b>	
Complaints assessed, not investigated	22
Complaints outside of remit	32
BBC First	34
Investigations List	37

## Introduction

Under the Communications Act 2003 ("the Act"), Ofcom has a duty to set standards for broadcast content to secure the standards objectives<sup>1</sup>. Ofcom also has a duty to ensure that On Demand Programme Services ("ODPS") comply with certain standards requirements set out in the Act<sup>2</sup>.

Ofcom reflects these requirements in its codes and rules. The Broadcast and On Demand Bulletin reports on the outcome of Ofcom's investigations into alleged breaches of its codes and rules, as well as conditions with which broadcasters licensed by Ofcom are required to comply. The codes and rules include:

- a) [Ofcom's Broadcasting Code](#) ("the Code") for content broadcast on television and radio services licensed by Ofcom, and for content on the BBC's licence fee funded television, radio and on demand services.
- b) the [Code on the Scheduling of Television Advertising](#) ("COSTA"), containing rules on how much advertising and teleshopping may be scheduled on commercial television, how many breaks are allowed and when they may be taken.
- c) certain sections of the [BCAP Code: the UK Code of Broadcast Advertising](#), for which Ofcom retains regulatory responsibility for television and radio services. These include:
  - the prohibition on 'political' advertising;
  - 'participation TV' advertising, e.g. long-form advertising predicated on premium rate telephone services – notably chat (including 'adult' chat), 'psychic' readings and dedicated quiz TV (Call TV quiz services); and
  - gambling, dating and 'message board' material where these are broadcast as advertising<sup>3</sup>.
- d) other conditions with which Ofcom licensed services must comply, such as requirements to pay fees and submit information required for Ofcom to carry out its statutory duties. Further information can be found on Ofcom's website for [television](#) and [radio](#) licences.
- e) Ofcom's [Statutory Rules and Non-Binding Guidance for Providers of On-Demand Programme Services](#) for editorial content on ODPS (apart from BBC ODPS). Ofcom considers sanctions for advertising content on ODPS referred to it by the Advertising Standards Authority ("ASA"), the co-regulator of ODPS for advertising, or may do so as a concurrent regulator.

[Other codes and requirements](#) may also apply to broadcasters, depending on their circumstances. These include the requirements in the BBC Agreement, the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code.

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<sup>1</sup> The relevant legislation is set out in detail in Annex 1 of the Code.

<sup>2</sup> The relevant legislation can be found at Part 4A of the Act.

<sup>3</sup> BCAP and ASA continue to regulate conventional teleshopping content and spot advertising for these types of services where it is permitted. Ofcom remains responsible for statutory sanctions in all advertising cases.

**It is Ofcom's policy to describe fully television, radio and on demand content. Some of the language and descriptions used in Ofcom's Broadcast and On Demand Bulletin may therefore cause offence.**

## Broadcast Standards cases

### In Breach

#### **Weinstein: Hollywood's Reckoning** ***Sky News, 27 April 2019, 15:00***

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##### Introduction

Sky News ("Sky News" or the "Licensee") broadcast an hour-long special report about sexual abuse allegations made against Hollywood movie producer, Harvey Weinstein.

We received a complaint about offensive language in this pre-recorded report. During an interview with an ex-employee of the Weinstein Company, the interviewee said:

*"I said: 'you know what? I quit, and your brother is a fucking pig'".*

We considered that this material raised potential issues under Rule 1.14 of the Code. This states:

Rule 1.14: "The most offensive language must not be broadcast before the watershed"

##### Response

The Licensee accepted that this programme "included offensive language [and] was mistakenly played out on Sky News". It explained that the programme was initially broadcast on another Sky channel and had been appropriately restricted to a post watershed slot. Following this, the decision was made to broadcast the programme on Sky News. However, the version used "was not marked with a post watershed restriction and it was wrongly assumed that it was suitable for daytime transmission".

Sky News stated that as a result of this error, it had reviewed its processes and introduced new guidance setting out that the most offensive language should not be used in pre-recorded content unless there is approval from the Head of News or one of their deputies. In addition, it told Ofcom that any content that is not broadcast on Sky News first must be reviewed and approved in advance of any broadcast on Sky News.

In conclusion, the Licensee said that the "measures now in place will help to prevent similar instances occurring in the future".

##### Decision

Reflecting our duties under the [Communications Act 2003](#), Section One of the Code requires that people under eighteen are protected from unsuitable material in programmes.

Rule 1.14 of the Code states that the most offensive language must not be broadcast before the watershed.

[Ofcom's 2016 research on offensive language](#) clearly indicates that the word "fuck" and variations of it are considered by audiences to be among the most offensive language. In this case, the word "*fucking*" was broadcast at approximately 15:54.

Although the we recognised the steps taken by the Licensee, we considered this broadcast was in clear breach of Rule 1.14.

#### **Breach of Rule 1.14**

## In Breach

### Afternoon Chat Election Special

**Trafford Sound, 23 and 24 April 2019, 14:00**

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#### Introduction

Trafford Sound is a local digital radio service providing music and programmes of interest to listeners in Trafford, Manchester. The licence for the service is held by Trafford Community Radio C.I.C. ("Trafford Sound" or "the Licensee").

During the campaign for the English local elections taking place on 2 May 2019, Ofcom received a complaint that *Afternoon Chat Election Special* broadcast on 23 April 2019 included an interview with the Liberal Party candidate contesting Timperley ward in the elections for Trafford District Council, without other candidates contesting that ward taking part. Ofcom also received a complaint that *Afternoon Chat Election Special* broadcast on 24 April 2019 included an interview with the UK Independence Party ("UKIP") candidate contesting Village ward in the elections for Trafford District Council, without other candidates contesting that ward taking part.

Each of the programmes lasted two hours. In the programme broadcast on 23 April 2019, Neil Taylor, the Liberal Party candidate for Timperley ward was interviewed and discussed a range of topics relating to the election he was contesting including: affordable local housing and homelessness, local parking charges and knife crime. For example, the following statements were made specifically about Mr Taylor's campaign during the interview:

Neil Taylor: *"...I'm a former councillor for the Timperley ward... and I'm seeking re-election this year for the Liberal Party".*

\*\*\*\*

Presenter: *"...we're here with Neil Taylor, who is the Liberal candidate for the elections next Thursday. So Neil what are the things that are going on?...".*

\*\*\*\*

Neil Taylor: *"...if I did get re-elected, I'd like to get a feel out there so that the voluntary groups and organisations, just a little pat on the back now and then, just to say thank you for the hard work...".*

\*\*\*\*

Presenter: *"...so, we're going to look at some of these issues and what you hope to achieve by being elected next week, if indeed you are...So Neil, what are the particular, specific things that you're really impassioned about and that you're going to be campaigning for to get sorted, if you get elected next week...?"*

Neil Taylor: *"...on a local level... I'm very much for free local parking. I don't want to see parking charges coming into Timperley. If that happened it would be a grave mistake... there's workers in Timperley as well, a lot of them will be on a low wage, you know. So, but we did a study a few years ago you know Sue and the longest visit anyone would have in Timperley I believe would be four hours and that's if a lady has her perm. So, free parking for four hours, for the hairdressers and you're catered for...One of the other worrying things that is going on in the area, in all of Trafford... is crime".*

\*\*\*\*

Presenter: *"...so what else?"*

Neil Taylor: *"...I'm very passionate about green issues... so one of the big ones we've got locally is something called the Timperley wedge, which technically speaking isn't in Timperley but it effects everybody in the local area... I am gonna be pressing as we come into the third stage of the consultation and I will be lobbying elected or unelected, that the Timperley wedge proposals come under one planning application..."*

\*\*\*\*

Presenter: *"...the one phrase or two words that are on most people's lips most of the time are pot holes or road conditions – what's your view on that and what could be done for this...?"*

In the programme broadcast on 24 April 2019, Angela O'Neill, the UKIP candidate for Village ward was interviewed and discussed a range of topics relating to the election she was contesting including: protecting the Green Belt, immigration and housing people for local people and veterans. For example, the following statements were made specifically about Ms O'Neill's campaign during the interview:

Presenter: *"As you know, we are doing election week here on Trafford Sounds and it's a fabulous opportunity for you to get a listening to the various candidates in different wards and today we're joined by UKIP. Angela O'Neill from Village ward at UKIP... it's great to be here and have an opportunity isn't it and to really share what UKIP stands for and what you stand for..."*

Angela O'Neill: *"Yes, it would be nice to let the people know the real UKIP instead of what the media portray constantly".*

Presenter: *"Absolutely, so we've got a whole hour and we're going to talk through the various policies that you're passionate about. Excellent...we're here with Angela O'Neill from Village ward, she is here to explain a little bit about her stance with this party that's been going now – I hadn't realised – UKIP's been going for over 20 years Angela. So what is it about them, that attracted you to join them?"*



Angela O'Neill: *"...I think the main reason was when I came to vote myself, is I really didn't know which party to vote for because neither of them seemed to offer or represent anything that I did. And when I first started looking into UKIP and the policies, the manifesto, they were that party for me. The manifesto was a brilliant manifesto..."*

\*\*\*\*

Presenter: *"...Angela you've been out canvassing a lot recently, so tell me what, sort of, are the typical things that you're finding are really are annoying the people of Village ward in Timperley...?"*

Angela O'Neill: *"...I think the main one at the minute is actually the potholes and the state of our roads..."*

\*\*\*\*

Presenter: *"...so if you were elected next week and you had a voice that you could be made heard, what would be the things you'd be campaigning for?"*

\*\*\*\*

Angela O'Neill: *"...erm yeah, well at the end of the day, things do have to be prioritised and I am fairly new to politics, until I get in that position I don't really know"*

\*\*\*\*

Presenter: *"...today's guest is Angela O'Neill, from Village ward, she is the UKIP candidate for next Thursday's local election.... So what sort of things would you be pushing for, if you get elected next week?"*

\*\*\*\*

Angela O'Neill: *"I think to stop that [parents leaving the engine running when picking children up from school] and stop the parking, I know it takes funding but it is something that is extremely important as far as I am concerned and I think I'd like to see cameras going up outside all the schools..."*

Rule 6.1 of the Code requires that programmes dealing with elections must comply with the due impartiality rules in Section Five of the Code. In addition, Rules 6.2 to 6.12 of the Code apply to programmes broadcast during the designated period running up to the date of elections in the UK known as the 'election period'. Section Six of the Code under the heading 'Meaning of 'election' makes clear that for the purpose of this section: "elections include a...local government election..."

In the case of the English local elections which took place on 2 May 2019, the 'election period' ran from the notice of the elections on 26 March 2019 to the close of polling on 2 May 2019.

For the reasons explained in this Decision, Ofcom considered that these two programmes were electoral area reports and discussions relating to the Timperley and Village wards in

Trafford District Council. Rules 6.8 to 6.12 were therefore engaged. In particular, we considered the material raised potential issues under the following Code rules:

- Rule 6.9: "If a candidate takes part in an item about his/her particular constituency, or electoral area, then broadcasters must offer the opportunity to take part in such items to all candidates within the constituency or electoral area representing parties with previous significant electoral support or where there is evidence of significant current support. This also applies to independent candidates. However, if a candidate refuses or is unable to participate, the item may nevertheless go ahead."
- Rule 6.10: "Any constituency or electoral area report or discussion after the close of nominations must include a list of all candidates standing, giving first names, surnames and the name of the party they represent or, if they are standing independently, the fact that they are an independent candidate. This must be conveyed in sound and/or vision. Where a constituency report on a radio service is repeated on several occasions in the same day, the full list need only be broadcast on one occasion. If, in subsequent repeats on that day, the constituency report does not give the full list of candidates, the audience should be directed to an appropriate website or other information source listing all candidates and giving the information set out above."

We requested the Licensee's comments on how the broadcasts complied with these rules.

## Response

Trafford Sound said that its: "Local Elections coverage was based on treating the whole local authority of the Borough of Trafford as one electoral area". It added that once the list of all candidates contesting the elections for Trafford District Council had been made public by the Council, the Licensee had sent invitations "towards the end of the week commencing 8 April 2019" to "All parties and independent candidates" contesting seats for Trafford District Council. All parties and independent candidates were "invited to send a representative" to take part in one of the *Afternoon Chat Election Specials*. The Licensee said invitations were sent to the Liberal Party and UKIP and: "Trafford Green Party; Trafford Liberal Democrats; Trafford Conservatives; Trafford Labour and the two Independent candidates standing".

Trafford Sound said that different candidates from different wards were interviewed in different editions of *Afternoon Chat Election Special*, as follows:

- 23 April 2019: Neil Taylor, Liberal Party candidate for Timperley ward;
- 24 April 2019: Angela O'Neill, UKIP candidate for Village ward;
- 25 April 2019: Green Party Councillor Geraldine Coggins, who was not contesting the elections;
- 26 April 2019: Julian Newgrosh, Liberal Democrat candidate for Village ward and Liberal Democrat Councillor Jane Brophy, who was not contesting the elections;
- 28 April 2019: Sandra Taylor, Independent candidate for Hale Barns ward;

- 29 April 201: Angela Stone, Conservative Party candidate for Altrincham ward and Michael Young, her election agent; and
- 30 April 2019: Andrew Western, Labour Party candidate for Priory ward.

The Licensee added that before each programme was broadcast, each candidate was told they were being interviewed about electoral matters on a "Trafford-wide basis, not their own ward". It added that it "would not have been possible to invite all candidates for every ward to attend these programmes, in part due to the logistics of inviting over 100 candidates in a short space of time and also not having the contact details of all candidates in part due to the ability to not have an address published". Trafford Sound reiterated that it had undertaken "elections coverage on a ward-by-ward basis, rather on a Trafford-wide basis" because "in most cases we were only informed of who was being sent by each party very close to the day of their planned attendance [and] it would not have been possible to invite all candidates taking part in a ward where a candidate was sent in such a time".

In conclusion, the Licensee stated its belief that its elections coverage was "fair and proportionate, having invited Independents and minor parties to participate when it was not required to do so based on recent electoral support, thus allowing a balanced and wide range of viewpoints on Trafford issues".

In response to a copy of Ofcom's Preliminary View, which was to record breaches of Rules 6.9 and 6.10, Trafford Sound "unreservedly" apologised and said it "fully accept(ed) responsibility for the errors made" as a result of "a misunderstanding of the rules". It acknowledged that a "higher level of clarification should have been provided to the presenter" should have been given to the presenter. However, the Licensee added that "neither candidate appeared to benefit from their interview and as such the election result was not affected in either ward" as a result of this case it had come to the decision "not to carry out similar programming for any future elections".

## Decision

Reflecting our duties under the [Communications Act 2003](#), Section Six of the Code requires that the special impartiality requirements in Section Five are applied at the time of elections and referendums. In particular Section Six reflects the special requirements relating to broadcasters covering elections, as laid out in the [Representation of the People Act 1983](#) (as amended) ("the RPA").

Specifically, under section 93 of the RPA, Ofcom is required to adopt a code of practice with respect to the participation of candidates at a parliamentary or local government election in broadcast items about the constituency or electoral area in question. Therefore, Ofcom is required to put in place rules which broadcasters have to comply with when they broadcast items featuring candidates, for example discussing or raising issues about the constituencies or electoral areas they are contesting. Ofcom's code of practice is set out in Rules 6.8 to 6.12 of the Code.

Ofcom takes account of the audience's and the broadcaster's right to freedom of expression set out in Article 10 of the European Convention on Human Rights.

Ofcom's Guidance states that there is no obligation on broadcasters to provide any election coverage. However, if broadcasters choose to cover election campaigns, they must comply

with the rules in Section Six of the Code, and in particular the constituency and electoral area reporting requirements in Rules 6.8 to 6.12 of the Code. These specific rules apply to the broadcast of a particular constituency and electoral area report or discussion during an election period.

#### Rule 6.9

Rule 6.9 requires that when an election candidate is taking part in a discussion about the electoral area in which they are standing, broadcasters must offer the opportunity to take part in such items to all candidates within the same electoral area representing parties with previous significant electoral support or where there is evidence of significant current support. This also applies to independent candidates. However, if a candidate refuses or is unable to participate, the item may nevertheless go ahead.

We first considered whether the editions of *Afternoon Chat Election Special* broadcast on 23 and 24 April 2019 contained electoral area reports and discussions. Paragraph 1.41 of [Ofcom's Guidance to section six of the Code](#) states: "...the principal point for broadcasters is to ensure that when interviewing candidates in reports that either raise issues about their constituency/electoral area or raise the profile of the candidate in connection with their constituency/electoral area, other candidates in the constituency/electoral area (as described in Rule 6.9) have an opportunity to take part as appropriate".

In this case, we took into account that during the election period for Trafford District Council, the Liberal Party candidate for Timperley ward was interviewed on 23 April 2019 and the UKIP candidate for Village ward was interviewed on 24 April 2019. We considered that each of these interviews, in which the candidates gave their views about the wards in which they were seeking election, were electoral area reports or discussions as defined in the Code.

The Licensee initially argued that it had treated "the whole local authority of the Borough of Trafford as one electoral area" and had offered the chance to take part in editions of *Afternoon Chat Election Special* to candidates from all parties and independent candidates contesting seats for Trafford District Council. However, the Code defines 'electoral area' as follows:

"Electoral area (for example electoral division, *borough ward* or other area) is the local government equivalent to the parliamentary term 'constituency'" [Ofcom emphasis added].

It was clear to Ofcom that the Licensee had broadcast electoral reports and discussions featuring the Liberal Party candidate contesting Timperley ward and the UKIP candidate contesting Village ward. Therefore, it is our view that Trafford Sound was required to offer the opportunity to take part to other candidates contesting those wards representing parties (or independent candidates) with previous significant electoral support or where there is evidence of significant current support.

The Licensee said that all parties and independent candidates contesting the elections to Trafford District Council were "invited to send a representative" to take part in one of the *Afternoon Chat Election Specials*. We also took into account that following Trafford Sound's general invitation to all parties to send a representative on a Trafford District Council-wide basis, the Liberal Democrat candidate contesting Village ward took part in the *Afternoon Chat Election Special* on 26 April 2019. However, we did not consider that the Licensee's

general invitation on a Trafford District Council-wide basis constituted invitations to relevant candidates contesting Timperley and/or Village wards to take part in electoral area reports and discussions in the context of Rule 6.9.

In determining which candidates represent parties with previous significant electoral support or where there is evidence of significant current support, broadcasters should take account of the available evidence. In considering past electoral support, the Guidance<sup>1</sup> to Section Six makes clear that Ofcom takes into account factors such as the electoral performance of parties (including the numbers of elected candidates and overall percentage of vote received) in the previous set of corresponding elections over at least two electoral cycles. The Guidance also states<sup>2</sup> that one obvious objective and measurable evidence of significant current support for a candidate is opinion poll evidence, where it is available.

We therefore considered whether any parties contesting Timperley and Village wards, and whose candidates had not been invited to take part in the electoral area reports or discussions relating to those wards, had demonstrated evidence of previous significant electoral support. In doing so, we took into account the performance of relevant parties over the past two electoral cycles at the English local elections in general and in Timperley and Village wards specifically in terms of: sequential years (2017<sup>3</sup> and 2018); and in relation to the last two elections when the seats being contested in May 2019 were last contested (2011 and 2015).

We took into account the following in relation to the performance of different parties in the English local elections in general in 2018, 2017, 2015 and 2011 and in Timperley and Village wards specifically in 2018, 2016, 2015 and 2011:

- the Conservative Party achieved 31.8% and above in the English local elections in general and 33.2% and above in Timperley ward and 32.1% and above in Village ward;
- the Labour Party achieved 20.0% and above in the English local elections in general and 10.4% and above in Timperley ward and 18.8% and above in Village ward; and
- the Liberal Democrats achieved 10.3% and above in the English local elections in general and 29.0% and above in Timperley ward<sup>4</sup>.

We also considered whether any parties contesting Timperley and Village wards, and whose candidates had not been invited to take part in the electoral area reports or discussions relating to those wards, had demonstrated evidence of current support, in the form of

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<sup>1</sup> Ibid, paragraph 1.47.

<sup>2</sup> Ibid, paragraph 1.43.

<sup>3</sup> Elections to seats to Trafford District Council take place on a rolling basis with elections taking place three years in every four. Therefore there were no local elections that took place in 2017. Therefore, in terms of sequential years, the last two electoral cycles for elections to Trafford District Council were 2018 and 2016.

<sup>4</sup> We did not consider previous Liberal Democrat results for Village ward because the Liberal Democrat candidate had taken part in the edition of *Afternoon Chat Election Special* broadcast on 26 April 2019.

opinion polls. In doing so we took account of [Ofcom's published digest of Evidence of past electoral support and current support](#) (figure 18) ahead of the various elections taking place on 2 May 2019. This showed that in relation to opinion poll evidence in England at the end of January 2019 (the last date included in Ofcom's published digest):

- the Conservative Party was attracting support of 39.6%;
- the Labour Party was attracting support of 36.7%; and
- the Liberal Democrats was attracting support of 9.3%.

The Licensee argued that “neither candidate appeared to benefit from their interview and as such the election result was not affected in either ward”. However, the constituency and electoral area reporting requirements in Rules 6.8 to 6.12 of the Code reflect the statutory requirement upon Ofcom to put in place rules that prevent candidates, through appearing in broadcast items, from gaining an unfair advantage over other candidates contesting the same election. Therefore, in our view, given the above evidence, it was incumbent on Trafford Sound to give specific invitations to take part in an electoral area report and discussion to the candidates of the Conservative Party, Labour Party and Liberal Democrats contesting Timperley ward, and the candidates of the Conservative Party and Labour Party contesting Village ward.

We took into account the Licensee's initial view that it had been “fair and proportionate, having invited Independents and minor parties to participate when it was not required to do so based on recent electoral support, thus allowing a balanced and wide range of viewpoints on Trafford issues”. It also argued that it would not have been logistically possible to invite all candidates contesting all the wards in the elections to Trafford District Council in May 2019. However, when a broadcaster features candidates contesting a local election based on wards, the Code does not require that all candidates contesting all wards in the local authority in question are offered the chance to take part in programming. Rather, to ensure fairness between candidates contesting an election in a particular electoral area i.e. an individual ward, under Rule 6.9, broadcasters must offer the opportunity to take part in an electoral area report and discussion to candidates contesting that ward, if there is evidence of significant past electoral support or significant current support.

We also took account of Trafford Sound's apology and its subsequent acknowledgement of “the errors made” as a result of “a misunderstanding of the rules”. Given all the above, Ofcom's Decision is that the broadcasts breached Rule 6.9.

#### Rule 6.10

Rule 6.10 requires that when a constituency or electoral area report or discussion is broadcast after the close of nominations, a list of all candidates standing must also be included within the broadcast, giving first names, surnames and the name of the party they represent or, if they are standing independently, the fact that they are an independent candidate.

In this case, the close of nominations was 3 April 2019. Therefore it was necessary for the edition of *Afternoon Chat Election Special* broadcast: on 23 April 2019 to include a list of candidates contesting Timperley ward; and on 24 April 2019 to include a list of candidates

contesting Village ward. However, neither broadcast included a list of all candidates standing in the relevant ward being discussed in each programme.

We took into account the Licensee's apology and its subsequent acknowledgement that it had breached the Code due to "a misunderstanding of the rules". Given all the above, Ofcom's Decision is that the broadcasts also breached Rule 6.10.

#### **Breaches of Rules 6.9 and 6.10**

## In Breach

### Homeopathic Clinic *KTV, 15 March 2019, 16:00*

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#### Introduction

KTV is a television channel broadcasting to the Sikh community in the United Kingdom. The licence for KTV is held by Khalsa Television Limited ("KTV" or "the Licensee").

*Homeopathic Clinic* invited viewers to call in for advice on medical conditions. It was hosted by a presenter and his guest, a homeopath referred to in the programme as "Dr Gorania".

Ofcom received a complaint that the programme promoted the guest's homeopathic business. As the programme was broadcast mainly in Punjabi, Ofcom commissioned an English translation of the material and gave the Licensee an opportunity to comment on the accuracy of the translation. The Licensee made no comments and Ofcom therefore relied on the translation for this investigation.

The programme included the following exchanges:

- Guest: *"People can talk to me about this in private. They can leave their number at the reception, or they can contact me on this number. I come from Milton Keynes and here in Birmingham –"*
- Presenter: *"You also have your thing in Birmingham".*
- Guest: *"Birmingham".*
- Presenter: *"Do you allocate your days, for instance, how many days do you spend in Birmingham?"*
- Guest: *"I am here in Birmingham on Tuesdays, but I am also in Milton Keynes and many other places".*
- Presenter: *"Please tell the viewers as well about where you are at what time of the week?"*
- Guest: *"Yes, so I do home visits too. This is after teleconsultation when I have diagnosed the issue and sent the report out. You can get the medicines delivered to your house. You can come to Milton Keynes, London, Leicester... There's quite a few – Glasgow, Manchester, Leeds, Bradford etc".*
- Presenter: *"Times?"*
- Guest: *"At different times. I find out on the phone".*
- Presenter: *"So, you talk to your patients about the phone and that's how you know when they're available and stuff?"*



Guest: "Yes".

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Presenter: "Okay, the doctor will be in the studio, you can phone him afterwards. If you want to make an appointment you can also do that".

Guest: "I will be here at 7 o'clock. If anyone wants they can take my personal details. If you want to talk to me, you can call me on this number and we can talk after 7 o'clock".

Presenter: "Yes, yes, yes. If anyone asks you'll give them –"

Guest: "Answers, I will give them advice".

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Caller: "If I could know where you're located I can come and get it [an ailment] checked out".

Presenter: "No, you can call us here at the studio and –"

Guest: "You can meet us at KTV or the studios if you want –"

Presenter: "We can give you the information first and then we can proceed further".

The guest made a number of other references to contacting him off-air, such as "If they want to contact us they can get our number through reception and phone us", and "You can also leave your number with me". He also made a series of positive statements about homeopathic medicine, for example "It's popular, it doesn't carry side effects. Very effective. It's been used for hundreds of years" and "Homeopathy has a perfect solution to this".

Ofcom requested information from the Licensee about any commercial arrangements associated with the references in the programme to the guest's private business. Based on the information provided, we considered that the programme raised potential issues under the following Code rules:

Rule 9.4: "Products, services and trade marks must not be promoted in programming".

Rule 9.5: "No undue prominence may be given in programming to a product, service or trade mark. Undue prominence may result from:

- the presence of, or reference to, a product, service or trade mark in programming where there is no editorial justification; or
- the manner in which a product, service or trade mark appears or is referred to in programming".

We therefore sought comments from the Licensee on how the programme complied with these rules.

## Response

In its response, the Licensee explained that the usual presenter of this programme had been unavailable, and the replacement, though "experienced", had "out of respect to the good doctor allowed him a little too much freedom".

KTV said that the guest had previously been "told what the boundaries are", but that he had been "slightly overzealous in wanting to aid those viewers watching the show". It added that he had apologised for this, and "now understands that even though he is trying to help viewers he cannot come across as though he is promoting himself".

KTV said that it had explained to him that "when talking to the audience he must be more specific in his words and meanings", giving as an example the distinction between encouraging viewers to "make contact with the studio", and inviting them to "come to the studio". It clarified that nobody had come to the studio for the purpose of receiving health advice or treatment.

The Licensee apologised for "any misunderstanding", and indicated its willingness to take account of any guidance from Ofcom in future.

## Decision

Reflecting our duties under the [Communications Act 2003](#), Section Nine of the Code requires that broadcasters maintain a distinction between advertising and editorial content.

Rule 9.4 requires that products, services and trade marks are not promoted in programming. Ofcom's [Guidance](#) on this rule explains that "where a reference to a product or service features in a programme...the extent to which a reference will be considered promotional will be judged by the context in which it appears".

In this case, the presenter and the guest discussed medical conditions raised by viewers who had called the studio telephone number. Although viewers were encouraged to call the studio for advice, the guest and the presenter also repeatedly referred to the guest's business. There did not appear to be any editorial reasons for these references, which included details of the locations he worked in, and how to arrange an appointment to see him. The guest appeared to be using the programme to solicit business as a homeopathic practitioner, encouraging viewers to contact him off-air, either by telephone or by visiting the studio. This was combined with positive statements about homeopathic medicine, and claims about the effectiveness of treatments. For these reasons, Ofcom considers that the programme promoted the guest's business, and was therefore in breach of Rule 9.4.

Rule 9.5 requires that references to products, services and trade marks in programming must not be unduly prominent. Undue prominence may result from the inclusion of such references without sufficient editorial justification, or from the manner in which products, services or trade marks are referred to. Ofcom's [Guidance](#) on undue prominence makes clear: "The level of prominence given to a product, service or trade mark will be judged against the editorial context in which it appears." As discussed above, this programme included repeated references to the guest's business, such as information about when and where he would be available to see patients. Viewers were invited by the presenter and the guest to contact the guest off-air for advice, and to arrange an appointment outside of the programme. Ofcom's view was that these references to the service provided by the guest

were unduly prominent, as there was no editorial justification for their inclusion in the programme. The programme was therefore also in breach of Rule 9.5.

**Breaches of Rules 9.4 and 9.5**

## Resolved

### **Premiership Rugby: Exeter Chiefs v Harlequins** ***BT Sport 2, 27 April 2019, 15:00***

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#### **Introduction**

BT Sport 2 is a sports channel owned and operated by British Telecommunications plc ("BT" or "the Licensee").

Ofcom received a complaint about the broadcast of offensive language during this live coverage of the Premiership Rugby match between the Exeter Chiefs and Harlequins.

At approximately 15:43, the referee's microphone picked up one of the players saying *"this is fucking boring now"*.

We considered the material raised potential issues under Rule 1.14 of the Code which states that:

"The most offensive language must not be broadcast before the watershed (in the case of television)..."

We therefore asked the Licensee for its comments on how the programme complied with this rule.

#### **Response**

BT apologised for any offence caused and assured "that we take our responsibilities very seriously in this regard".

The Licensee said that the offensive language was not heard by the production team during the live match "so an immediate apology was not issued" but stressed that it does "have policies in place to ensure immediate and sincere apologies are aired when inappropriate language is heard via the referee's microphone".

BT said that a member of the compliance team discusses each sports fixture with the relevant executive producer every week in order to "ensure the respective production teams have foreseen all potential compliance issues", including "what mitigation plans are in place regarding potential language from the spectators, as well as from players on the pitch".

The Licensee provided Ofcom with its risk assessment matrix for this particular fixture, which included the detailed contingency plans in place. The Licensee pointed out that this procedure was successfully followed twice during this match and the commentary team apologised on both occasions.

The Licensee confirmed that this offensive language, and any other inappropriate language was "identified during the reversioning process" and removed from subsequent repeats and from the on-demand version.

## Decision

Reflecting our duties under the [Communications Act 2003](#), Sections One of the Code requires that people under eighteen are protected from unsuitable material in programmes.

Rule 1.14 states that the most offensive language must not be broadcast before the watershed on television.

[Ofcom's 2016 research on offensive language](#) clearly indicates that audiences consider the word "fuck" and variations of it to be among the most offensive language.

The inclusion of the word "*fucking*" in this programme at 15:43 was therefore a clear example of the most offensive language being broadcast before the watershed. However, we took into account that: it was a live broadcast; the Licensee had taken a number of measures in advance to minimise the risk of offensive language being broadcast; and, that the other instances of offensive language were picked up and dealt with in an appropriate and timely manner.

We also took into account the steps that the Licensee said it had taken following the live broadcast to ensure that the offensive language was removed from future repeats and from their on-demand platform.

In light of the above, Ofcom's view is that this matter is resolved.

## Resolved

## Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 17 and 30 June 2019 because they did not raise issues warranting investigation.

### Complaints assessed under the Procedures for investigating breaches of content standards for television and radio

Programme	Service	Transmission Date	Categories	Number of complaints
Drag SOS (trailer)	4Music	18/06/2019	Generally accepted standards	1
Drag SOS (trailer)	4Music	19/06/2019	Generally accepted standards	1
Drag SOS (trailer)	4Music	22/06/2019	Generally accepted standards	2
Drag SOS (trailer)	4Music	24/06/2019	Generally accepted standards	1
8 Out of 10 Cats Does Countdown	4Seven	23/06/2019	Sexual orientation discrimination/offence	1
Myra Hindley: The Untold Story	5 Select	16/06/2019	Generally accepted standards	1
The Sex Business: Trans of Demand	5 Star	07/01/2019	Sexual material	1
The Sex Business: Wannabe Porn Stars	5 Star	11/06/2019	Sexual material	1
Bailrigg FM Show	Bailrigg FM	03/06/2019	Due impartiality/bias	1
Europa League Final: Chelsea v Arsenal	BT Sport 2	29/05/2019	Religious/Beliefs discrimination/offence	1
Live UEFA Champions League	BT Sport 2	01/06/2019	Generally accepted standards	1
Capital Radio Breakfast Show	Capital Radio	14/06/2019	Dangerous behaviour	1
24 Hours in Police Custody	Channel 4	15/04/2019	Generally accepted standards	5
Ackley Bridge	Channel 4	18/06/2019	Violence	1
Battle of the Super Eaters	Channel 4	13/06/2019	Generally accepted standards	1
Beat the Chef	Channel 4	06/06/2019	Generally accepted standards	1
Britain's Next PM: the C4 Debate	Channel 4	16/06/2019	Due impartiality/bias	6
Britain's Next PM: the C4 Debate	Channel 4	16/06/2019	Materially misleading	1
Britain's Next PM: the C4 Debate	Channel 4	16/06/2019	Race discrimination/offence	4

Programme	Service	Transmission Date	Categories	Number of complaints
Celebrity Gogglebox	Channel 4	14/06/2019	Generally accepted standards	2
Celebrity Gogglebox	Channel 4	14/06/2019	Nudity	1
Celebrity Gogglebox	Channel 4	21/06/2019	Generally accepted standards	1
Celebrity Gogglebox	Channel 4	21/06/2019	Sexual material	1
Celebrity Gogglebox	Channel 4	21/06/2019	Sexual orientation discrimination/offence	2
Celebrity Gogglebox	Channel 4	21/06/2019	Violence	1
Channel 4 News	Channel 4	22/05/2019	Elections/Referendums	1
Channel 4 News	Channel 4	04/06/2019	Due impartiality/bias	14
Channel 4 News	Channel 4	05/06/2019	Due impartiality/bias	1
Channel 4 News	Channel 4	06/06/2019	Due impartiality/bias	1
Channel 4 News	Channel 4	06/06/2019	Generally accepted standards	2
Channel 4 News	Channel 4	11/06/2019	Due impartiality/bias	1
Channel 4 News	Channel 4	12/06/2019	Due impartiality/bias	1
Channel 4 News	Channel 4	12/06/2019	Generally accepted standards	3
Channel 4 News	Channel 4	12/06/2019	Race discrimination/offence	1
Channel ident	Channel 4	10/06/2019	Offensive language	1
Channel ident	Channel 4	19/06/2019	Dangerous behaviour	1
Drag SOS (trailer)	Channel 4	21/06/2019	Scheduling	1
Hollyoaks	Channel 4	07/06/2019	Generally accepted standards	1
Hollyoaks	Channel 4	10/06/2019	Generally accepted standards	2
Leaving Neverland: Michael Jackson and Me	Channel 4	06/03/2019	Materially misleading	2
Leaving Neverland: Michael Jackson and Me	Channel 4	24/06/2019	Materially misleading	4
My Gay Dog and Other Animals (trailer)	Channel 4	01/06/2019	Scheduling	1
The Devil Wears Prada	Channel 4	23/06/2019	Offensive language	1
The Great British School Swap	Channel 4	16/04/2019	Sexual orientation discrimination/offence	1
Year of the Rabbit (trailer)	Channel 4	06/06/2019	Generally accepted standards	1
Drag SOS (trailer)	Channel 4 / E4 / 4Seven	Various	Generally accepted standards	40
Drag SOS (trailer)	Channel 4 +1	17/06/2019	Scheduling	1
5 News	Channel 5	07/06/2019	Violence	1

Programme	Service	Transmission Date	Categories	Number of complaints
5 News	Channel 5	13/06/2019	Due impartiality/bias	1
Blind Date	Channel 5	16/06/2019	Sexual material	1
Get Your Tatts Out: Kavos Ink	Channel 5	29/05/2019	Scheduling	1
Jeremy Vine	Channel 5	06/06/2019	Due impartiality/bias	1
Jeremy Vine	Channel 5	14/06/2019	Due impartiality/bias	1
Jeremy Vine	Channel 5	17/06/2019	Gender discrimination/offence	1
Jeremy Vine	Channel 5	18/06/2019	Generally accepted standards	1
Jeremy Vine	Channel 5	19/06/2019	Due impartiality/bias	2
Nightmare Tenants, Slum Landlords	Channel 5	17/06/2019	Under 18s in programmes	1
Robin Hood: Prince of Thieves	Channel 5	02/06/2019	Scheduling	1
Student Sex Workers: Porn Star Graduate	Channel 5	13/06/2019	Generally accepted standards	1
The Gadget Show	Channel 5	31/05/2019	Race discrimination/offence	1
The Nightmare Neighbour Next Door	Channel 5	22/06/2019	Offensive language	1
The Nile: Egypt's Great River with Bettany Hughes	Channel 5	14/06/2019	Animal welfare	2
The Shocking Truth About Food	Channel 5	06/06/2019	Materially misleading	11
The Woman with 106 Dogs	Channel 5	16/06/2019	Animal welfare	1
The Woman with 106 Dogs	Channel 5	16/06/2019	Materially misleading	19
The Yorkshire Steam Railway	Channel 5	21/06/2019	Offensive language	1
My Name is Earl	Comedy Central	10/06/2019	Offensive language	1
Broadcast competition	Cool FM	Various	Competitions	1
Would I Lie to You?	Dave	03/06/2019	Offensive language	1
Blackish	E4	10/06/2019	Race discrimination/offence	1
Drag SOS (trailer)	E4	26/06/2019	Scheduling	1
Hollyoaks	E4	07/06/2019	Disability discrimination/offence	1
Hollyoaks	E4	07/06/2019	Generally accepted standards	1
Hollyoaks	E4	10/06/2019	Race discrimination/offence	1



Programme	Service	Transmission Date	Categories	Number of complaints
Women and Horror Season (trailer)	Film4	16/06/2019	Scheduling	1
Programming	Gaydio	06/06/2019	Sexual orientation discrimination/offence	1
Ehsaas Ramadan – Iftari	Geo TV	18/05/2019	Promotion of products/services	1
News	Gold Radio	07/06/2019	Due impartiality/bias	1
Bradley Walsh's Late Night Guest List	ITV	11/05/2019	Generally accepted standards	1
Catchphrase	ITV	15/06/2019	Generally accepted standards	1
Coronation Street	ITV	29/05/2019	Violence	6
Coronation Street	ITV	31/05/2019	Generally accepted standards	1
Coronation Street	ITV	05/06/2019	Disability discrimination/offence	3
Coronation Street	ITV	05/06/2019	Materially misleading	1
Coronation Street	ITV	10/06/2019	Generally accepted standards	1
Coronation Street	ITV	19/06/2019	Offensive language	1
Dickinson's Real Deal	ITV	25/06/2019	Competitions	1
Emmerdale	ITV	04/06/2019	Generally accepted standards	1
Emmerdale	ITV	06/06/2019	Animal welfare	1
Emmerdale	ITV	20/06/2019	Generally accepted standards	3
Emmerdale	ITV	24/06/2019	Violence	3
Emmerdale	ITV	25/06/2019	Violence	17
Good Morning Britain	ITV	04/06/2019	Due impartiality/bias	1
Good Morning Britain	ITV	07/06/2019	Due impartiality/bias	1
Good Morning Britain	ITV	07/06/2019	Generally accepted standards	1
Good Morning Britain	ITV	11/06/2019	Due accuracy	1
Good Morning Britain	ITV	11/06/2019	Due impartiality/bias	1
Good Morning Britain	ITV	12/06/2019	Disability discrimination/offence	6
Good Morning Britain	ITV	19/06/2019	Generally accepted standards	1
Good Morning Britain	ITV	24/06/2019	Offensive language	1
Good Morning Britain	ITV	26/06/2019	Competitions	1
Good Morning Britain	ITV	28/06/2019	Generally accepted standards	1
Good Morning Britain	ITV	Various	Competitions	1
Harry Hill's Alien Fun Capsule	ITV	15/06/2019	Violence	2

Programme	Service	Transmission Date	Categories	Number of complaints
ITV News	ITV	03/06/2019	Due impartiality/bias	1
ITV News	ITV	05/06/2019	Due impartiality/bias	1
ITV News	ITV	07/06/2019	Due accuracy	1
ITV News	ITV	17/06/2019	Violence	1
ITV News	ITV	21/06/2019	Animal welfare	2
ITV News	ITV	27/06/2019	Generally accepted standards	1
Loose Women	ITV	04/06/2019	Generally accepted standards	1
Lorraine	ITV	03/06/2019	Due impartiality/bias	1
Peston	ITV	26/06/2019	Due impartiality/bias	1
Psychopath with Piers Morgan (trailer)	ITV	21/06/2019	Scheduling	1
Psychopath with Piers Morgan (trailer)	ITV	24/06/2019	Scheduling	1
Soccer Aid	ITV	16/06/2019	Generally accepted standards	14
The Chase	ITV	25/06/2019	Materially misleading	1
The Jeremy Kyle Show	ITV	08/05/2019	Generally accepted standards	1
The Voice Kids	ITV	15/06/2019	Race discrimination/offence	1
This Morning	ITV	04/06/2019	Materially misleading	2
This Morning	ITV	11/06/2019	Drugs, smoking, solvents or alcohol	1
This Morning	ITV	12/06/2019	Drugs, smoking, solvents or alcohol	1
This Morning	ITV	18/06/2019	Sexual material	3
This Morning	ITV	19/06/2019	Materially misleading	1
Wild Bill	ITV	12/06/2019	Generally accepted standards	1
You've Been Framed	ITV	14/06/2019	Animal welfare	2
ITV News Anglia	ITV Anglia	17/04/2019	Generally accepted standards	2
ITV Meridian News	ITV Meridian	26/06/2019	Other	1
ITV News Calendar	ITV Yorkshire	26/06/2019	Due impartiality/bias	1
Continuity announcement	ITV2	10/06/2019	Generally accepted standards	1
Family Guy	ITV2	10/06/2019	Transgender discrimination/offence	3
Love Island	ITV2	03/06/2019	Race discrimination/offence	2
Love Island	ITV2	06/06/2019	Generally accepted standards	1

Programme	Service	Transmission Date	Categories	Number of complaints
Love Island	ITV2	07/06/2019	Generally accepted standards	1
Love Island	ITV2	07/06/2019	Race discrimination/offence	1
Love Island	ITV2	09/06/2019	Generally accepted standards	1
Love Island	ITV2	10/06/2019	Disability discrimination/offence	1
Love Island	ITV2	11/06/2019	Generally accepted standards	2
Love Island	ITV2	11/06/2019	Race discrimination/offence	10
Love Island	ITV2	12/06/2019	Disability discrimination/offence	1
Love Island	ITV2	12/06/2019	Generally accepted standards	1
Love Island	ITV2	12/06/2019	Offensive language	2
Love Island	ITV2	12/06/2019	Sexual material	1
Love Island	ITV2	13/06/2019	Generally accepted standards	22
Love Island	ITV2	14/06/2019	Generally accepted standards	726
Love Island	ITV2	16/06/2019	Generally accepted standards	13
Love Island	ITV2	17/06/2019	Generally accepted standards	4
Love Island	ITV2	17/06/2019	Offensive language	1
Love Island	ITV2	18/06/2019	Generally accepted standards	37
Love Island	ITV2	19/06/2019	Generally accepted standards	2
Love Island	ITV2	20/06/2019	Gender discrimination/offence	1
Love Island	ITV2	20/06/2019	Generally accepted standards	5
Love Island	ITV2	20/06/2019	Race discrimination/offence	1
Love Island	ITV2	23/06/2019	Violence	1
Love Island	ITV2	Various	Generally accepted standards	9
You've Been Framed	ITV2	14/06/2019	Generally accepted standards	1
Psychopath with Piers Morgan (trailer)	ITV4	21/06/2019	Scheduling	1
Tour de Yorkshire	ITV4	02/05/2019	Due impartiality/bias	1

Programme	Service	Transmission Date	Categories	Number of complaints
The Real Housewives of Cheshire	ITVBe	28/05/2019	Generally accepted standards	1
Fråga Olle	Kanal 11 (Sweden)	03/06/2019	Gender discrimination/offence	1
Fråga Olle	Kanal 11 (Sweden)	04/06/2019	Gender discrimination/offence	1
Fråga Olle	Kanal 11 (Sweden)	05/06/2019	Gender discrimination/offence	1
Fråga Olle	Kanal 11 (Sweden)	06/06/2019	Gender discrimination/offence	1
Europa League Final: Chelsea v Arsenal	Kanal 9 (Sweden)	29/05/2019	Generally accepted standards	1
Eddie Mair	LBC 97.3 FM	20/06/2019	Due impartiality/bias	1
James O'Brien	LBC 97.3 FM	06/06/2019	Due impartiality/bias	1
James O'Brien	LBC 97.3 FM	06/06/2019	Race discrimination/offence	1
James O'Brien	LBC 97.3 FM	07/06/2019	Due impartiality/bias	1
James O'Brien	LBC 97.3 FM	07/06/2019	Generally accepted standards	1
James O'Brien	LBC 97.3 FM	11/06/2019	Generally accepted standards	1
James O'Brien	LBC 97.3 FM	14/06/2019	Due impartiality/bias	1
James O'Brien	LBC 97.3 FM	14/06/2019	Generally accepted standards	1
James O'Brien	LBC 97.3 FM	20/06/2019	Generally accepted standards	1
James O'Brien	LBC 97.3 FM	25/06/2019	Generally accepted standards	1
Nick Ferrari	LBC 97.3 FM	13/06/2019	Materially misleading	1
Nick Ferrari	LBC 97.3 FM	18/06/2019	Race discrimination/offence	1
Nick Ferrari	LBC 97.3 FM	18/06/2019	Race discrimination/offence	1
Nigel Farage	LBC 97.3 FM	02/05/2019	Due impartiality/bias	1
Nigel Farage	LBC 97.3 FM	27/05/2019	Due impartiality/bias	1
Nigel Farage	LBC 97.3 FM	01/06/2019	Due impartiality/bias	1
Nigel Farage	LBC 97.3 FM	04/06/2019	Due impartiality/bias	6
Nigel Farage	LBC 97.3 FM	05/06/2019	Due impartiality/bias	1
Nigel Farage	LBC 97.3 FM	06/06/2019	Due impartiality/bias	1
Nigel Farage	LBC 97.3 FM	09/06/2019	Due impartiality/bias	5
Nigel Farage	LBC 97.3 FM	10/06/2019	Due impartiality/bias	1
Nigel Farage	LBC 97.3 FM	11/06/2019	Due impartiality/bias	1
Nigel Farage	LBC 97.3 FM	13/06/2019	Due impartiality/bias	1
Nigel Farage	LBC 97.3 FM	Various	Due impartiality/bias	2
Steve Allen	LBC 97.3 FM	12/06/2019	Dangerous behaviour	3

Programme	Service	Transmission Date	Categories	Number of complaints
Evening Show	Lyca Dil Se 1035	24/05/2019	Religious/Beliefs discrimination/offence	1
Drag SOS (trailer)	Magic 105.4	22/06/2019	Generally accepted standards	1
News	Magic 105.4	07/06/2019	Due accuracy	1
Broadcast competition	Magic 105.4	20/06/2019	Competitions	1
The Mighty Manic Show with Sean Connolly	Mighty Radio	06/04/2019	Commercial communications on radio	1
Broadcast competition	Moray Firth Radio FM	25/06/2019	Competitions	1
New Vision TV News	New Vision TV	25/05/2019	Due impartiality/bias	1
Michael McIntyre Comedy Show (trailer)	Paramount Channel	18/05/2019	Disability discrimination/offence	1
Yellowstone	Paramount Network	09/05/2019	Generally accepted standards	1
The Nun (trailer)	Pick	21/06/2019	Scheduling	1
Fantom Works	Quest HD	06/06/2019	Offensive language	1
Programming	Radio Ramadhan (Sheffield)	10/05/2019	Generally accepted standards	1
Countryside 999	Really	08/06/2019	Materially misleading	1
Ymbarel	S4C	21/05/2019	Scheduling	1
Raabta with Rana Sahib	Sangat	12/04/2019	Due impartiality/bias	1
Real Time with Bill Maher	Sky Atlantic	09/06/2019	Generally accepted standards	1
Superman	Sky Cinema Greats	17/06/2019	Nudity	1
All Out Politics	Sky News	05/06/2019	Race discrimination/offence	1
All Out Politics	Sky News	18/06/2019	Generally accepted standards	1
Kay Burley	Sky News	03/06/2019	Offensive language	12
Sky News	Sky News	03/06/2019	Due impartiality/bias	2
Sky News	Sky News	08/06/2019	Due accuracy	1
Sky News	Sky News	12/06/2019	Due impartiality/bias	1
Sky News	Sky News	14/06/2019	Generally accepted standards	1
Sky News	Sky News	18/06/2019	Due impartiality/bias	1
Sky News	Sky News	22/06/2019	Due impartiality/bias	1
Sky News	Sky News	24/06/2019	Due impartiality/bias	1
Sky News	Sky News	25/06/2019	Due impartiality/bias	1
Sky News	Sky News	25/06/2019	Privacy	1

Programme	Service	Transmission Date	Categories	Number of complaints
Sophy Ridge on Sunday	Sky News	02/06/2019	Due impartiality/bias	1
Sophy Ridge on Sunday	Sky News	16/06/2019	Race discrimination/offence	1
Sunrise	Sky News	12/06/2019	Due impartiality/bias	1
The Papers	Sky News	16/06/2019	Generally accepted standards	2
The Pledge	Sky News	16/06/2019	Generally accepted standards	1
The Nun (trailer)	Sky Sports Main Event	18/06/2019	Scheduling	2
The Nun (trailer)	Sky Witness	21/01/2019	Scheduling	1
The Nun (trailer)	Sky1	19/06/2019	Scheduling	1
Super Dancer	Sony Entertainment Television	27/04/2019	Dangerous behaviour	1
Yawars	Spice FM	27/02/2019	Generally accepted standards	1
Iain Lee	Talk Radio	11/04/2019	Generally accepted standards	1
Drive	Talksport	12/06/2019	Generally accepted standards	1
The Alan Brazil Sports Breakfast	Talksport	14/06/2019	Generally accepted standards	5
That's TV Headline News	That's TV Humber	13/05/2019	Due accuracy	1
News	Various	01/05/2019	Due impartiality/bias	1
Programming	Various	23/06/2019	Other	1
Louis Theroux's LA Stories: Among the Sex Offenders	W	16/06/2019	Generally accepted standards	1
Breakfast with Adam Brown	XS Manchester	03/06/2019	Commercial communications on radio	1
Wildest Africa	Yesterday	15/06/2019	Generally accepted standards	1

[How Ofcom assesses complaints about content standards on television and radio programmes](#)

## Complaints assessed under the Procedures for investigating breaches of content standards on BBC broadcasting services and BBC ODPS

Programme	Service	Transmission Date	Categories	Number of complaints
BBC News	BBC 1	21/04/2019	Due accuracy	1
Comic Relief	BBC 1	15/03/2019	Generally accepted standards	1
Question Time	BBC 1	10/01/2019	Due impartiality/bias	1
International Women's Day	BBC 1 /BBC 2	08/03/2019	Gender discrimination/offence	1
Saturday Live	BBC Radio 4	15/12/2018	Due impartiality/bias	1
The News Quiz	BBC Radio 4	15/02/2019	Due accuracy	1
The Reunion: The French Resistance	BBC Radio 4	07/04/2019	Generally accepted standards	1
The Reunion: The French Resistance	BBC Radio 4	12/04/2019	Materially misleading	1
The Wake Up Call	BBC Radio Kent	08/03/2019	Gender discrimination/offence	1

### [How Ofcom assesses complaints about content standards on BBC broadcasting services and BBC ODPS](#)

## Complaints assessed under the General Procedures for investigating breaches of broadcast licences

Here is an alphabetical list of complaints that, after careful assessment, Ofcom has decided not to pursue between 17 and 30 June 2019 because they did not raise issues warranting investigation.

Licensee	Licensed service	Categories	Number of complaints
Essex Radio Limited	Heart	Format	1
Global Radio Limited	Heart	Format	3
Global Radio Limited	Heart Northwest	Format	1
Global Radio Media Management Limited	Heart	Format	2
n/a	Comux	Retention and production of recordings	1
Sky UK Limited	Sky channels	Television Access Services	1
Tamworth Radio Broadcasting CIC	Radio Tamworth	Key Commitments	1

### [How Ofcom assesses complaints about broadcast licences](#)

## Complaints outside of remit

Here are alphabetical lists of complaints received by Ofcom that fell outside of our remit. This is because Ofcom is not responsible for regulating the issue complained about. For example, the complaints were about the content of television, radio or on demand adverts or an on demand service that does not fall within the scope of regulation.

Programme	Service	Transmission Date	Categories	Number of complaints
Drugs Inc	312 KPTV	19/06/2019	Outside of remit	1
Advertisement	All 4	15/06/2019	Advertising content	1
Babestation	Babestation	13/06/2019	Outside of remit	1
FIFA Women's World Cup 2019: England v Japan	BBC 1	16/06/2019	Outside of remit	1
Tennis: Live from Queens	BBC 2	23/06/2019	Outside of remit	1
BBC Weather	BBC channels	Various	Outside of remit	1
Advertisement	Channel 5	05/05/2019	Advertising content	1
Advertisement	Channel 5	24/06/2019	Advertising content	1
Advertisement	Classic FM	16/06/2019	Advertising content	1
CNBC Nightly News	CNBC	04/06/2019	Outside of remit	1
Non-editorial	Eurosport Player	15/06/2019	Non-editorial	1
Advertisement	ITV	06/06/2019	Advertising content	1
Advertisement	ITV	19/06/2019	Advertising content	1
Advertisements	ITV	19/06/2019	Advertising content	1
Emmerdale	ITV	18/06/2019	Outside of remit	1
Soccer Aid	ITV	16/06/2019	Outside of remit	2
The Chase	ITV	14/06/2019	Outside of remit	1
Advertisement	ITV Hub	06/06/2019	Advertising content	1
Advertisement	ITV2	17/06/2019	Advertising content	1
Advertisement	ITV2	21/06/2019	Advertising content	1
Love Island	ITV2	10/06/2019	Outside of remit	1
Love Island	ITV2	18/06/2019	Outside of remit	1
Love Island	ITV2	n/a	Outside of remit	1
Love Island	ITV2	Various	Outside of remit	1
Advertisement	ITV3	25/06/2019	Advertising content	1
Lewis	ITV3	18/06/2019	Outside of remit	1
Criterium du Dauphine	ITV4	16/06/2019	Outside of remit	1
News KABC	KABC	17/06/2019	Outside of remit	1
Nigel Farage	LBC 97.3 FM	10/06/2019	Outside of remit	1
Advertisement	n/a	21/06/2019	Advertising content	1
Advertisement	Now 90s	12/06/2019	Advertising content	1
Non-editorial	NOW TV	16/06/2019	Non-editorial	1
FBI Files	Quest Red	28/06/2019	Outside of remit	1
Advertisement	Sky News	23/06/2019	Advertising content	1



Programme	Service	Transmission Date	Categories	Number of complaints
Studio 66	Studio 66 TV	28/04/2019	Participation TV – Offence	1
BBC World News	Twitter	21/06/2019	Outside of remit	1
Channel 4	Twitter	15/06/2019	Outside of remit	1
Advertisements	Various	27/06/2019	Advertising content	1

[More information about what Ofcom's rules cover](#)

## BBC First

The BBC Royal Charter and Agreement was published in December 2016, which made Ofcom the independent regulator of the BBC.

Under the BBC Agreement, Ofcom can normally only consider complaints about BBC programmes where the complainant has already complained to the BBC and the BBC has reached its final decision (the 'BBC First' approach).

The complaints in this table had been made to Ofcom before completing the BBC's complaints process.

### Complaints about BBC television, radio or on demand programmes

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
BBC News	BBC 1	18/03/2019	Due impartiality/bias	1
BBC News	BBC 1	25/03/2019	Generally accepted standards	1
BBC News	BBC 1	06/06/2019	Due impartiality/bias	1
BBC News	BBC 1	20/06/2019	Generally accepted standards	1
BBC News	BBC 1	23/06/2019	Generally accepted standards	1
BBC News	BBC 1	25/06/2019	Due impartiality/bias	1
BBC News at Six	BBC 1	24/06/2019	Violence	1
BBC News at Ten	BBC 1	21/06/2019	Due impartiality/bias	1
BBC News at Ten	BBC 1	24/06/2019	Violence	1
Countryfile	BBC 1	23/06/2019	Due impartiality/bias	1
D Day 75	BBC 1	05/06/2019	Offensive language	1
Eat Well for Less	BBC 1	12/06/2019	Offensive language	1
Have I Got News for You	BBC 1	05/06/2019	Due impartiality/bias	1
Look North (East Yorkshire)	BBC 1	20/06/2019	Due impartiality/bias	1
Our Next Prime Minister	BBC 1	18/06/2019	Due impartiality/bias	51
Panorama: The Race for Number 10	BBC 1	24/06/2019	Due impartiality/bias	1
Question Time	BBC 1	01/01/2019	Generally accepted standards	1
Question Time	BBC 1	30/05/2019	Due impartiality/bias	1
South East Today	BBC 1	15/06/2018	Crime and disorder	1
Strictly Come Dancing / BBC News	BBC 1	01/01/2019	Due impartiality/bias	1
The Andrew Marr Show	BBC 1	05/05/2019	Due accuracy	1
The Graham Norton Show	BBC 1	21/06/2019	Due impartiality/bias	2

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
The Graham Norton Show	BBC 1	21/06/2019	Promotion of products/services	1
Victoria Derbyshire	BBC 1	20/06/2019	Due impartiality/bias	1
Match of the Day Live	BBC 1 Scotland	19/06/2019	Generally accepted standards	1
Newsnight	BBC 2	25/06/2019	Due impartiality/bias	2
Politics Live	BBC 2	25/06/2019	Due impartiality/bias	1
Pubs, Ponds and Power	BBC 2	14/06/2019	Generally accepted standards	1
The Ranganation	BBC 2	16/06/2019	Age discrimination/offence	2
The Ranganation	BBC 2	28/06/2019	Race discrimination/offence	1
Top Gear	BBC 2	16/06/2019	Offensive language	1
Top Gear	BBC 2	23/06/2019	Violence	1
Top Gear	BBC 2	25/06/2019	Generally accepted standards	1
Victoria Derbyshire	BBC 2 / BBC News Channel	10/06/2019	Generally accepted standards	2
CBeebies Bedtime Stories	BBC 4	16/06/2019	Generally accepted standards	1
BBC News	BBC channels	22/06/2019	Due impartiality/bias	1
Dragons Den / One Day That Changed My Life	BBC channels	24/06/2019	Promotion of products/services	1
Programming	BBC channels	Various	Due impartiality/bias	2
Jerk	BBC iPlayer	22/05/2019	Disability discrimination/offence	1
Women's World Championship	BBC iPlayer	17/06/2019	Generally accepted standards	1
BBC News	BBC News Channel	14/06/2019	Due impartiality/bias	1
BBC News	BBC News Channel	19/06/2019	Generally accepted standards	1
Programming	BBC News Channel	Various	Due impartiality/bias	1
Victoria Derbyshire	BBC News Channel	03/06/2019	Generally accepted standards	1
Victoria Derbyshire	BBC News Channel	10/06/2019	Generally accepted standards	1
Victoria Derbyshire	BBC News Channel	19/06/2019	Due impartiality/bias	1
Scott Mills	BBC Radio 1	19/06/2019	Sexual material	1
Jeremy Vine	BBC Radio 2	20/06/2019	Due impartiality/bias	1
Jeremy Vine Show / Steve Wright in the Afternoon	BBC Radio 2	20/06/2019	Due impartiality/bias	1
BBC News	BBC Radio 4	25/06/2019	Due impartiality/bias	1
Broadcasting House	BBC Radio 4	16/06/2019	Due impartiality/bias	1
Dead Ringers	BBC Radio 4	07/06/2019	Religious/Beliefs discrimination/offence	1

<b>Programme</b>	<b>Service</b>	<b>Transmission or Accessed Date</b>	<b>Categories</b>	<b>Number of Complaints</b>
Heresy	BBC Radio 4	11/06/2019	Generally accepted standards	116
The World at One	BBC Radio 4	24/06/2019	Due impartiality/bias	1
Today	BBC Radio 4	19/06/2019	Due impartiality/bias	1
Today	BBC Radio 4	20/06/2019	Due impartiality/bias	1
Woman's Hour	BBC Radio 4	Various	Gender discrimination/offence	1
5 Live Breakfast	BBC Radio 5 Live	03/06/2019	Offensive language	1
Emma Barnett Show	BBC Radio 5 Live	20/06/2019	Generally accepted standards	1
Your Call	BBC Radio 5 Live	03/06/2019	Offensive language	1
Your Call	BBC Radio 5 Live	19/06/2019	Generally accepted standards	1
Hardtalk – UK Leadership Debate	BBC World News	18/06/2019	Due impartiality/bias	1

## Investigations List

If Ofcom considers that a broadcaster or service provider may have breached its codes, rules, licence condition or other regulatory requirements, it will start an investigation.

**It is important to note that an investigation by Ofcom does not necessarily mean the broadcaster or service provider has done anything wrong. Not all investigations result in breaches of the codes, rules, licence conditions or other regulatory requirements being recorded.**

Here are alphabetical lists of new investigations launched between 17 and 30 June 2019.

### Investigations launched under the Procedures for investigating breaches of content standards for television and radio

Programme	Service	Transmission date
Cookery programme	A1 TV	08/05/2019
Gogglebox	Channel 4	03/05/2019
Old Wife, New Wife	Channel 5	24/04/2019
Live: FIFA Under 20's World Cup Football (Ecuador v Italy)	Freesports	26/05/2019
The Music Marathon	Gold Radio	27/05/2019
Tarz e Hayaat	MATV	12/04/2019
Downsy	Sam FM Bristol	20/05/2019
Studio 66	Studio 66 TV	Various

### How Ofcom assesses complaints and conducts investigations about content standards on television and radio programmes

### Investigations launched under the General Procedures for investigating breaches of broadcast licences

Licensee	Licensed Service
ATN Bangla UK	ATN Bangla UK Ltd
EAVA FM	St Mathews Community Solution Centre Ltd

## How Ofcom assesses complaints and conducts investigations about broadcast licences

### Discontinued Investigations:

In [Issue 372 of Ofcom's Broadcast and On Demand Bulletin](#), Ofcom announced it would be launching an investigation into Al Jazeera Media Network under its General procedures for investigating breaches of broadcast licences. This investigation has been discontinued.

In [Issue 375 of Ofcom's Broadcast and On Demand Bulletin](#), Ofcom announced it would be launching an investigation into Alpha Radio Ltd under its General procedures for investigating breaches of broadcast licences. This investigation has been discontinued.

In [Issue 378 of Ofcom's Broadcast and On Demand Bulletin](#), Ofcom announced it would be launching an investigation under the Procedures for the consideration and adjudication of Fairness and Privacy complaints into an edition of NVTv (ARY World) broadcast on NVTv (ARY World) on 22 November 2018. This investigation has been discontinued.